

# ATTACHMENT I

## Section 23A

### SIGN STANDARDS FOR PUBLIC PROPERTY

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## **Section 23A.01 Scope, Intent and Applicability**

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### **23A.01.01 Scope**

The purpose of this Section is to establish standards and regulations regarding private party placement of signs on property owned or controlled by the City (“City Property”), and on all public rights-of-way. Nothing in this Section limits in any way the City’s ability to use City property for expression of its own messages, or the messages of other parties which it may adopt as its own message, such as, by way of illustration only, by co-sponsorship of an event. Nothing in this Section limits in any way the City’s ability to retain or allow installation of signs or billboards within the Belmont Sports Complex.

### **23A.01.02 Intent as to Public Forum**

It is the intent of the City of Belmont that all City property shall not function as a designated public forum, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

### **23A.01.03 Applicability**

This Subsection applies only in traditional public forum areas. In consultation with the City attorney, the director of Community Development shall interpret this phrase for compliance with court decisions.

### **23A.01.04 Severability**

This Subsection is to be severable to the greatest extent provided by law. If any section, sentence, clause, phrase, word, portion or provision of this Section is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid portion. In adopting this Section, the City Council affirmatively declares that if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires for all valid provisions to remain in force.

## **Section 23A.02 Definitions**

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The definitions in Section 23 (“Sign Regulations”) apply to this Section unless the same term is defined herein, in which case the definition in this section shall apply to this section.

**Sponsor Banner.** A temporary sign made of material similar to heavy canvas or reinforced plastic, which indicates a sponsor.

**Traditional Public Forum.** The surfaces of city streets, city sidewalks, and city parks which are connected to the main pedestrian circulation system of the city, or to the pedestrian area immediately surrounding City Hall.

## **Section 23A.03 General Regulations Applicable to All Public Forum Areas**

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### **23A.03.01 Mobile Billboards Prohibited**

- A. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city. This prohibition does not apply to commercial vehicles on public streets for purely transportation purposes such as moving people, animals or goods from one location to another, or using the streets for routine service calls.
- B. This provision prohibits only the use of the streets for advertising rather than transportation purposes.
- C. This section shall not apply to:
  - 1. Public Transit Graphics on properly licensed buses and taxicabs;
  - 2. Signs Exempt per Section 23.03.01(O).

### **23A.03.02 Commercial Displays Prohibited**

- A. Except as specifically provided herein, commercial displays are prohibited.

## **Section 23A.04 Noncommercial Displays**

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In areas qualifying as traditional public forums, private persons may display non-commercial message signs without a permit, subject to the following limitations:

- A. **Personally Held.** The signs must be personally held by one or more persons.
- B. **Permitted Times.** The signs may be displayed only during the time period of 7 a.m. to 7 p.m., except on occasions when the City Council and/or the Planning Commission or other City commissions, boards or committees are holding public hearings or meetings; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
- C. **Permitted Size.** The maximum size of any one sign held by two or more persons shall not exceed six (6) square feet per person. The maximum aggregate size of all signs held by a single person shall not exceed six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area. Apparel includes any type of personal clothing, but does not include any which are used for the support or mounting of signage.
- D. **Maximum Height.** The maximum height of any hand held sign shall not exceed 10 feet, measured from the sidewalk.

- E. **Sign Type.** The sign may not have more than two display faces and may not be inflatable or air-activated.
- F. **Traffic and Pedestrian Safety.** In order to serve the City’s interests in traffic flow and safety, persons displaying signs under this subsection:
  - 1. May not stand in any vehicular traffic lane when a roadway is open for use by vehicles; and
  - 2. Must provide at least four feet wide clearance space for pedestrians.
  - 3. The sign may not be located in the visibility triangle as defined herein.
  - 4. Signs and persons holding the sign(s) may not block the free and clear vision of drivers, bicyclists and pedestrians.
- G. **No Permit Required.** No permit is required for display of signs authorized by this subsection, as long as the foregoing rules are followed.
- H. **Message Substitution.** The message substitution policy of the Sign Ordinance (Subsection 23.06.07) applies to signs in traditional public forum areas, subject to the rules stated in this subsection.

## **Section 23A.05 Commercial Displays**

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### **23A.05.01 On Vehicles on Public Streets.**

Signs on vehicles may be displayed, provided that:

- A. The message pertains to the establishment of which the vehicle or vessel is an instrument or tool, and
- B. The message does not utilize changeable copy or special illumination; and
- C. The message is not general advertising for hire.

## **Section 23A.06 Sponsor Banners at Ralston Avenue and Belmont Sports Complex**

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### **23A.06.01 General Regulations Applicable to Sponsor Banners**

- A. **Intent as to Forum.** In adopting this Section, the City does not intend to open or designate a forum for expression on topics of public interest, or a forum for off-site advertising for business establishments, but instead intends to allow the City of Belmont or certain qualifying private parties to display Sponsor Banners within specific locations, times, and guidelines.

- B. **Locations.** Locations for sponsor banners are limited to: (1) across Ralston Avenue between El Camino Real and Sixth Avenue; or (2) across Ralston Avenue between Old County Road and Granada Street, or (3) on the outfield fences of the Belmont Sports Complex athletic fields facing the playing fields, or any other such location that the City Council may determine. The City reserves the right to determine the specific location of any banner.
- C. **Right of Refusal and Appeals.** The Directors of Community Development and Parks and Recreation reserve the right to refuse to issue a Sponsor Banner Permit on the grounds that the Banner is inconsistent with this subsection.
  - 1. In the event of such denial, the applicant may appeal directly to the City Manager or designee, who shall issue a decision within five (5) business days.
  - 2. If the applicant is not satisfied with the determination of the City Manager, then the applicant may appeal the City Manager's decision to the City Council for final determination. The City Council shall hear the matter at the next meeting when it can be properly noticed.
- D. **Permit Required.** All sponsor banner applications shall be made in writing to the Permit Center.
- E. **Installation.** All sponsor banners shall be mounted or installed and removed by the City only.
- F. **Construction and Insurance.** All sponsor banners must meet construction and material specifications and insurance requirements established by the City.

#### **23A.06.02 Ralston Avenue Sponsor Banners**

- A. **Limitations on use.** Use of the Ralston Avenue sponsor banners is limited to commercial messages (not including sales promotions) that provide information on:
  - 1. Events suitable for all ages and open to the public on substantially the same terms as members of the sponsoring organization; or
  - 2. City-sponsored events; or
  - 3. Events and activities of schools located in the City (pre-kindergarten through university, both public and private schools); or
  - 4. Events sponsored by organizations located in the City, or serving Belmont residents, that have received tax-exempt status pursuant to Internal Revenue Code Section 501(c)(6); or
  - 5. Messages sponsored by the City.
- B. **Number of Banners.** Applications may be made for one banner displayed on either the West pole (Ralston and Sixth) or the East pole (Ralston and Granada).

- C. **Time Limits.** Ralston Avenue Sponsor Banners may be displayed for up to two (2) weeks. No party may display a banner more than three (3) times in any calendar year. Priority shall be given to City-sponsored events or messages.
- D. **Application Review & Fee.** Applications for Ralston Avenue banners shall be subject to review and approval by the Community Development Department for compliance with this policy. A fee, as adopted in the City's Master Fee Schedule, is required for this application.

### **23A.06.03 Sports Complex Sponsor Banners**

- A. **Limitations on Use.** The use of the Sports Complex outfield fence is limited to banners displaying commercial messages (not including sales promotions) that provide information on:
  - 1. City-sponsored events; or
  - 2. Messages sponsored by the City; or
  - 3. The business name of an entity that is sponsoring an official Belmont sports league. Establishments that are not open to all ages, pawn shops, check cashing establishments, gambling establishments, or those that sell primarily alcohol or tobacco are prohibited from displaying a banner.
- B. **Size.** Banners shall not exceed 18 square feet in area per banner.
- C. **Time Limits.** Sponsor Banners may be displayed beginning four weeks before the official opening game of the sponsored league season, and ending one week after the last official game (including any playoffs or tournaments) associated with the sponsored league season.
- D. **Application Review.** Applications for Sports Complex sponsor banners shall be subject to review and approval by the Parks and Recreation Department for compliance with this policy.